

Filed 5/11/12

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

----

WILLIAM L. LYON & ASSOCIATES, INC.,  
et al.,

Petitioners,

v.

THE SUPERIOR COURT OF PLACER COUNTY,

Respondent;

TED HENLEY et al.,

Real Parties in Interest.

C068878

(Super. Ct. No. SCV24208)

ORDER MODIFYING OPINION  
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion in the above matter, filed April 12, 2012, is modified in the following respects:

On page 4, delete the third full paragraph and replace it with the following:

The Henleys' first amended complaint alleged that, in early 2006, the Costas contacted Lyon & Associates, the company that had previously represented them in the purchase of their house on Clubhouse Drive in Rocklin, California. The Costas eventually retained Lyon & Associates agent, Gidal, to sell the property. Defects in the paint and stucco of the house were visible when photos of the property were taken to list it for sale. Gidal was present when the photographs were taken.

On page 6, delete the first full sentence, which states: "The Costas also installed quartzite stone overlays on the backyard steps in a manner that caused water intrusion on the house's stucco walls."

On page 21, in the first full paragraph, delete the sentence that states: "The listing photos selected by the Costas did not show efflorescence problems" and replace it with:

The Henleys' separate statement of disputed and undisputed facts (erroneously titled as only a statement of undisputed facts) alleges that the listing photos selected by the Costas did not show efflorescence problems.

On page 21, in the third paragraph that continues onto page 22, delete the sentence that states: "The Henleys stated that they had not suspected Lyon & Associates or the Costas concealed the efflorescence problems until the Henleys tried to correct paint and efflorescence problems in mid-2007" and replace it with:

As the Henleys allege in their separate statement of disputed and undisputed facts, they did not suspect that Lyon & Associates or the Costas concealed the

efflorescence problems until the Henleys tried to correct paint and efflorescence problems in mid-2007.

This modification does not change the judgment.

The petition for rehearing is denied.

\_\_\_\_\_  
ROBIE, Acting P.J.

\_\_\_\_\_  
MAURO, J.

\_\_\_\_\_  
HOCH, J.